IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT APPEAL NO : 1635 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 30/09/2004 in WP No : 12259 OF 2004 on the file of the High Court.)

Between:

Smt. Gokaraju Varalakshmi W/o late Gokaraju Sankara Ranga Raju
R/o Palakoderu Village and Mandal, West Godavari district

..... APPELLANT

AND

1 The Joint Collector, Ranga Reddy District
2 Revenue Divisional Officer, Chevella Division, Ranga Reddy District
3 The Deputy Collector-cum-Mandal Revenue Officer, Rajendranagar Mandal, Ranga Reddy District
4 Smt. Kothapalli Nirmala W/o late Thirupathiraju
R/o H. No. G-64,Madhuranagar, Hyderabad-45
5 Misskothapalli Yasalaxmi D/o Late Thirupathiraju
R/o H. No. G-64,Madhuranagar, Hyderabad-45

.....RESPONDENTS

Counsel for the Appellant: MR.B.VIJAYSEN REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

Counsel for the Respondent Nos.4 and 5: SMT A.ANASUYA

The Court, at the stage of admission, made the following :

J U D G M E N T: (Per Hon'ble Sri Justice B.Sudershan Reddy)

The learned Judge did not commit any error in refusing to interfere with the order passed by the third respondent-Mandal Revenue Officer on the ground that the appellant herein had an alternative and effective remedy to challenge the order passed by the Mandal Revenue Officer by preferring an appeal under the provisions of the A.P. Rights in Land & Pattadar Pass Books Act, 1971. The learned Judge, in our considered opinion, rightly refused to interfere with the order passed by the Mandal Revenue Officer.

However, learned counsel for the appellant submits that the Mandal Revenue Officer ought not to have expressed any opinion with regard to possession of the land in question, since the suit for specific performance of agreement of sale is pending in O.S.No.901 of 1998, in which the appellant claims to have obtained an order of *status quo* from the learned Principal Junior Civil Judge, West and South, Ranga Reddy District. The counsel for the appellant apprehends that the observation made by the Mandal Revenue officer in his order, dated 14.06.2004, may adversely affect the merits of the suit.

We do not find any basis for entertaining such apprehension. It is needless to say that the learned Principal Junior Civil Judge, West and South, Ranga Reddy District shall decide the suit on its own merits by appreciating the evidence that will be let in by the parties, uninfluenced by the observations, if any, made in the order dated 14.06.2004 with regard to possession of the property. This is, in our considered opinion, what the Mandal Revenue Officer himself stated precisely when he observed in the order "However the orders are subject to outcome of the use in

O.S.No.901 of 1998 of Hon'ble Principal Junior Civil Judge, West and South, Ranga Reddy District". It means the Mandal Revenue Officer himself observed that whatsoever entries that he has made and observations made in that order are subject to the outcome of the suit.

With the observations as above, the Writ Appeal shall stand disposed of.

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B.SUDERSHAN REDDY, J.

Dated: 11-11-2004

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K.C.BHANU, J

GS

To

1. The Principal District Judge, R.R.Dist at L.B.Nagar

2. The Joint Collector, Ranga Reddy District
3. The Revenue Divisional Officer, Chevella Division, Ranga Reddy District
4. The Deputy Collector-cum-Mandal Revenue Officer, Rajendranagar Mandal, Ranga Reddy District
5. The G.P. for Revenue, High Court of A.P., Hyderabad (OUT)

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